



GREEN ACRES

LOCAL GOVERNMENT UNIT AND NONPROFIT GUIDE

Easements / Meaningful Public Access

In general, the goals of the Green Acres Program are best met through the purchase of property in fee simple. That way, the public can enjoy the full recreation and conservation benefits of the property in exchange for its investment of funding. In addition, the conservation community has learned the difficulty associated with managing easements.

In those instances when a fee simple purchase is not possible, but preservation of a site's natural or historic resources fulfills a public need or compelling public purpose, Green Acres will consider funding the purchase of a permanent conservation or historic preservation restriction, or "easement." Such public need or compelling public purpose would include preservation of a unique natural resource, such as habitat for endangered or threatened species, or preservation of an important viewshed, such as from an historic battlefield or the Appalachian Trail. For historic preservation restrictions, the site must be listed or eligible for listing in the State or National Register of Historic Places.

Green Acres must review and approve the proposed easement to ensure that the interest being acquired is eligible for funding. This must be done prior to the commencement of the appraisals that will be used to establish the fair market value of the interest being acquired.

When a local government unit or nonprofit is going to acquire an easement, Green Acres encourages the acquisition of full public access on the property. When that is not possible, the interest that will be acquired must allow for *meaningful* public access and preserve the site's recreation and conservation resources to a degree that warrants the investment of Green Acres funding.

Meaningful public access would include such things as public access to areas of interest on the site, for example, a fishing pond or other recreation activity area; a *substantial* public trail corridor that connects existing parkland; or public access on a scheduled basis. It is critical that adequate signage is provided to clearly mark all public access points on easements, and consideration must be given to on-site or adjacent parking to improve accessibility. Green Acres will make the decision as to whether the proposed public access meets this criterion, based on the specific circumstances of each project.

In those instances when Green Acres determines that the proposed easement does not provide meaningful public access, Green Acres will limit its funding participation. Specifically, Green Acres will provide for land acquisition costs **half** of what the local government unit or nonprofit would otherwise be eligible to receive for the purchase of the easement. This will allow Green Acres to support the project while reserving its limited funding for other projects that more fully meet the public's recreation and conservation needs.

A local government unit or nonprofit that intends to acquire a conservation easement with Green Acres funding must prepare a Present Condition Report that clearly documents the conditions of the project site at the time the restriction is to be acquired. This report must be approved by Green Acres and will be used for future monitoring of the easement. Green Acres will provide guidelines regarding the preparation of the Present Condition Report.